

REMARKS

This responds to the Final Office Action dated December 10, 2008.

Claims 1, 2, 4, 6-23 and 25-30 are now pending in this application. No amendment was made. No new matter has been added.

§102 Rejection of the Claims

Claims 1, 2, 4, 8, 11, 16-18, 20-23, 25, 26 and 28 were rejected under 35 U.S.C. § 102(b) for anticipation by Hendricks et al. (U.S. Patent No. 6,463,585).

Independent claim 1 recites in part:

“obtaining said preferred information;

obtaining a list of addresses of said targeted information;

storing said list of addresses of said targeted information at a viewer’s location;

receiving said trigger;

selecting an address from said list of addresses of said targeted information based upon
said trigger and said preferred information;

obtaining said targeted information using said address; and

combining said targeted information with said video signal for display.”

(Emphasis added.)

On page 2 of the Office Action mailed on December 10, 2008, the Examiner admitted that Hendricks does teach the targeted advertisement being stored in the memory of the set top terminal. However, the Examiner alleged that the limitation of “storing said list of addresses of said targeted information at a viewer’s location” is taught by Hendricks by way of the switching plan.

More specifically, the Examiner alleged that “the switching plan is a list which contains the addresses of targeted information in the form of channel numbers and memory storage locations.” Applicant disagrees with the Examiner’s allegation.

Hendricks merely teaches that “(O)nce specific spots are selected for each program break, the television terminal groups that should remain with the program channel, and those that

should tune to a particular feeder channel at each program break are determined, based on target criteria of interest. Switching of television terminals to the appropriate feeder channels may be conducted using a detailed switching plan, for example. The switching plan is distributed to control points in the system, such as cable headend sites, which are then responsible for the periodic transmission of the switching plans to television terminals. Alternately, the switching plans are distributed directly to the television terminals from the operations center.” (Col. 6, lines 1-13). Applicant submits that there is no teaching by Hendricks in the above paragraph that the switching plan includes the addresses of the targeted information.

In col. 34, lines 63-68, Hendricks teaches that the targeted advertisements can be broadcast to individual set top terminals, and stored within the memory of the set top terminal. In this embodiment, the need for feeder channels is eliminated. However, the national and local system-specific switching plans are still provided to the set top terminals, either directly from the operations center, or from the cable headends. Applicant submits that, in the same above paragraph, Hendricks not only merely teaches providing the switching plan to the set top terminals but also confirms that the targeted advertisements is broadcast to the set top terminals, not the addresses of the targeted information. That is in contrast to the limitation as claimed in claim 1.

In cols. 3-4, lines 60-5, Hendricks teaches that information sent from the program controller is stored in RAM within each subscriber's television terminal and will be retrieved only upon polling by the program controller. Retrieval may, for example, occur on a daily, weekly or monthly basis. The program controller allows the television delivery system to maintain complete information on all programs watched using a particular television terminal. The program controller may also send program data to the television terminal for temporary storage. Thus, the television terminals may store targeted advertisements that are to be played during program breaks for programs airing in the next 24 hours, or in the next week, for example. Applicant submits that, Hendricks again confirms that the targeted advertisements is stored locally at the television terminal – in contrast with the limitations as claimed in claim 1.

Applicant submits that at no time Hendricks teaches the switching plan is a list which contains the addresses of targeted information, as alleged by the Examiner. If such limitation is

specifically taught by Hendricks, Applicant is unable to find such specific teaching and respectfully requests for at least one specific example of such a specific teaching.

More specifically, Applicant submits that Hendricks fails to teach the limitation "storing said list of addresses of said targeted information at a viewer's location," as claimed in claim 1.

Applicant submits that the rejection under §102 has been overcome, and at least for the above reason, claim 1 and its dependent claims 2, 4 and 6-10 are patentable over Hendricks.

Applicant submits that, at least for the same reason presented above, independent claims 11, 17 and 22 and their corresponding dependent claims are also patentable over Hendricks.

§103 Rejection of the Claims

Claims 6, 7, 12, 13 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks et al. (U.S. Patent No. 6,463,585) in view of Dudkiewicz et al. (U.S. Patent No. 6,973,665).

Applicant submits that since claims 6 and 7 depend from claim 1, claims 12 and 13 depend from claim 11, and claim 27 depend from claim 22, and since claims 1, 11 and 22 are patentable for the reason presented above, claims 6, 7, 12, 13 and 27 are also patentable. This rejection has been overcome.

Claims 9, 10, 15, 19 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks et al. (U.S. Patent No. 6,463,585) in view of Broadwin et al. (U.S. Patent No. 5,929,850).

Applicant submits that since claims 9 and 10 depend from claim 1, claim 15 depend from claim 11, claims 19 depend from claim 17, and claims 29-30 depend from claim 22, and since claims 1, 11, 17 and 22 are patentable for the reason presented above, claims 9, 10, 15, 19 and 29-30 are also patentable. This rejection has been overcome.

CONCLUSION

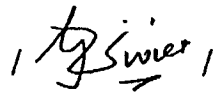
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 10, 2009.

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